

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL HARKEY,

Plaintiff(s),

vs.

MORTGAGE ELECTRONIC REGISTRATION
 SYSTEMS, INC., et al.,

Defendant(s).

Case No. 2:15-cv-01378-RCJ-NJK

REPORT AND RECOMMENDATION

On July 29, 2015, the Court denied without prejudice Plaintiff's application to proceed *in forma pauperis*. Docket No. 2. In particular, the Court was unclear whether Plaintiff intended to pay the filing fee or attempt to proceed *in forma pauperis*, and the application to proceed *in forma pauperis* was incomplete. *See id.* at 1 & n.1. The Court ordered Plaintiff to either pay the filing fee or file a completed application to proceed *in forma pauperis*, no later than August 12, 2015. *See id.* at 1-2. The Court expressly warned Plaintiff that "**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN A RECOMMENDATION THAT THIS CASE BE DISMISSED.**" *Id.* (emphasis in original). To date, Plaintiff has not complied.

In light of the above, on August 18, 2015, the Court issued an order for Plaintiff to show cause why the case should not be dismissed. Docket No. 4. The response to that order was due no later than September 1, 2015. The order to show cause again warned Plaintiff that "[f]ailure to comply with this order will result in a recommendation that the case be dismissed without prejudice." *id.* (emphasis in original). Despite that warning, Plaintiff has not responded.

1 In short, Plaintiff has failed to pay the filing fee or a completed application to proceed *in forma*
2 *papueris* despite repeated warnings that his case may be dismissed if he fails to do so. Accordingly, **IT IS**
3 **RECOMMENDED** that this action be **DISMISSED** without prejudice.

4 Dated: September 4, 2015

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6 Nancy J. Koppe
UNITED STATES MAGISTRATE JUDGE

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9 **NOTICE**

10 These findings and recommendations are submitted to the United States District Judge assigned to
11 the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with
12 these findings and recommendations, any party may file written objections with the court. Pursuant to
13 Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of
14 a magistrate judge shall file and serve *specific written objections* together with points and authorities in
15 support of those objections, within fourteen days of the date of service of the findings and
16 recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and
17 Recommendations." The parties are advised that failure to file objections within the specified time may
18 waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The
19 points and authorities filed in support of the specific written objections are subject to the page limitations
20 found in LR 7-4.
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